

(e) As of March 18, 1996, Specialized Mobile Radio systems are not eligible for extended implementation periods under this section. Additionally, all 800 MHz SMR licensees that are operating under extended implementation authority as of March 18, 1996 must, by May 16, 1996, demonstrate that continuing to allow them to have an extended period of time to construct their facilities is warranted and furthers the public interest. If a licensee's extended implementation authority showing is approved by the Bureau, such licensee will be afforded an extended implementation of two years or the remainder of its current extended implementation period, whichever is shorter. Upon the termination of this period, the authorizations for those facilities that remain unconstructed will terminate automatically. If a licensee with a current extended implementation period fails to submit the showing mentioned above within the designated timeframe or submits an insufficient or incomplete showing, such licensee will have six months from the last day on which it could timely file such a showing or from the disapproval of its request to construct the remaining facilities covered under its implementation plan to construct any unconstructed facilities for which it is authorized. The authorizations for those facilities remaining unconstructed after this six-month period will terminate automatically.

(f) Pursuant to § 90.155(b), the provisions of this section shall apply to local government entities applying for any frequency in the Public Safety Pool.

[58 FR 34379, June 25, 1993, as amended at 61 FR 6157, Feb. 16, 1996; 63 FR 68969, Dec. 14, 1998; 65 FR 60877, Oct. 13, 2000]

**§ 90.631 Trunked systems loading, construction and authorization requirements.**

(a) Non-SMR trunked systems will be authorized on the basis of a loading criteria of one hundred (100) mobile stations per channel. For purposes of determining compliance with trunked system loading requirements under this subpart, the term "mobile station" includes vehicular and portable mobile units and control stations.

(b) Each applicant for a non-SMR trunked system must certify that a minimum of seventy (70) mobiles for each channel authorized will be placed into operation within five (5) years of the initial license grant. Except for SMR systems licensed in the 806–821/851–866 MHz band and as indicated in paragraph (i) of this section, if at the end of five (5) years a trunked system is not loaded to the prescribed levels and all channels in the licensee's category are assigned in the system's geographic area, authorizations for trunked channels not loaded to seventy (70) mobile stations cancels automatically at a rate that allows the licensee to retain one channel for every one hundred (100) mobiles loaded, plus one additional channel. If a trunked system has channels from more than one category, Spectrum Block D frequencies in the 800 MHz SMR service (formerly General Category) channels are the first channels considered to cancel automatically. All non-SMR licensees initially authorized before June 1, 1993, that are within their original license term, or SMR licensees that are within the term of a two-year authorization granted in accordance with paragraph (i) of this section, are subject to this condition. A licensee that has authorized channels cancelled due to failure to meet the above loading requirements will not be authorized additional channels to expand that same system for a period of six (6) months from the date of cancellation.

(c) Except for SMR applicants and as provided in paragraph (d) of this section, an applicant seeking to expand a trunked system by requesting additional channels from the Commission, or through intercategory sharing, or through an assignment, must have a loading level of seventy (70) mobiles per channel on the existing system that is the subject of the expansion request.

(d) In rural areas, a licensee of a trunked system may request to increase its system capacity by five more channels than it has constructed without meeting the loading requirements specified in paragraphs (b) and (c) of this section. A rural area is defined for

purposes of this section as being beyond a 100-mile radius of the designated centers of the following urbanized areas, as well as those areas that have a waiting list. (Rural areas may be different for 800 and 900 MHz channels since the Commission maintains separate waiting lists for these frequency bands.) The identified urbanized areas are: New York, NY; Los Angeles, CA; Chicago, IL; Philadelphia, PA; San Francisco, CA; Detroit, MI; Boston, MA; Houston, TX; Washington, DC; Dallas-Fort Worth, TX; Miami, FL; Cleveland, OH; St. Louis, MO; Atlanta, GA; Pittsburgh, PA; Baltimore, MD; Minneapolis-St. Paul, MN; Seattle, WA; San Diego, CA; and Tampa-St. Petersburg, FL. The coordinates for the centers of these areas are those referenced in §90.635, except that the coordinates (referenced to North American Datum 1983 (NAD83)) for Tampa-St. Petersburg are latitude 28° 00' 01.1" N, longitude 82° 26' 59.3" W. Where waiting lists determine whether an area is rural, the designated centers of those areas will be identified on the actual waiting lists released by the Commission. If a waiting list is later established in a rural area, licensees who have acquired additional channels pursuant to this paragraph will be subject to the automatic cancellation provisions in paragraph (b) of this section at the end of one year from the date the area first appears on a Commission waiting list, or at the end of their license term, whichever is longer.

(e) Except as provided in §90.629, licensees of trunked facilities must complete construction within one year.

(f) If a station is not placed in permanent operation, in accordance with the technical parameters of the station authorization, within one year, except as provided in §90.629, its license cancels automatically. For purposes of this section, a base station is not considered to be placed in operation unless at least two associated mobile stations, or one control station and one mobile station, are also placed in operation. An SMR licensee with facilities that have discontinued operations for 90 continuous days is presumed to have permanently discontinued operations, unless the licensee notifies the Commission

otherwise, using FCC Form 601, prior to the end of the 90 day period and provides a date on which operation will resume, which date must not be in excess of 30 additional days.

(g) Wide area systems may be authorized to persons eligible for licensing under subparts B or C of this part upon an appropriate showing of need. Remote or satellite stations of wide area systems in the Public Safety, Special Emergency, Telephone Maintenance, and Power Radio Services may be authorized on a primary basis if such stations are the first to be authorized in their area of operation on the frequency or group of frequencies. Remote or satellite stations of wide area systems in all other services will be authorized only on a secondary, non-interference basis to cochannel licensees. To determine system loading, the total number of mobile units and control stations operating in the wide-area system shall be counted with respect to the total number of base station frequencies assigned to the system.

(h) Regional, statewide, or ribbon configuration systems may be authorized to persons eligible for licensing under subparts B or C of this part upon an appropriate showing of need. In a ribbon, regional or statewide system, a mobile station will be counted for channel loading purposes only for the base station facility in the geographic area in which it primarily operates. If this cannot be determined, it will be counted fractionally over the number of base station facilities with which it communicates regularly.

(i) For SMRS category trunked systems licensed in the 896-901/935-940 MHz band (other than MTA-licensed systems), if at the end of the initial five-year license term the licensee of such a trunked system has not satisfied the loading requirements of paragraph (b) of this section, the licensee requesting renewal of its license will be granted a renewal for only a two-year period. Regardless of the date of grant of the two-year renewal, the licensee will be required to comply fully with the minimum requirements set forth in paragraph (b) of this section at the end of

## § 90.633

## 47 CFR Ch. I (10–1–03 Edition)

the two-year renewal term. As an exception to this requirement, if the licensee obtains the MTA license covering its assigned spectrum in accordance with §§ 90.661 through 90.671, these loading requirements will no longer be applicable and the coverage requirements of § 90.665 will govern.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 51929, Nov. 15, 1983; 49 FR 36377, Sept. 17, 1984; 53 FR 12157, Apr. 13, 1988; 57 FR 37731, Aug. 20, 1992; 58 FR 12177, Mar. 3, 1993; 59 FR 59966, Nov. 21, 1994; 60 FR 21991, May 4, 1995; 60 FR 48918, Sept. 21, 1995; 61 FR 6157, Feb. 16, 1996; 61 FR 6577, Feb. 21, 1996; 62 FR 18935, Apr. 17, 1997; 63 FR 68969, Dec. 14, 1998]

### § 90.633 Conventional systems loading requirements.

(a) Non-SMR conventional systems of communication will be authorized on the basis of a minimum loading criteria of seventy (70) mobile stations for each channel authorized.

(b) A channel will not be assigned to additional licensees when it is loaded to 70 mobile stations. Where a licensee does not load a channel to 70 mobiles the channel will be available for assignment to other licensees. All authorizations for conventional systems are issued subject to this potential channel sharing condition.

(c) Except as provided in § 90.629 of this part, licensees of conventional systems must place their authorized stations in operation not later than one year after the date of grant of the system license.

(d) If a station is not placed in operation within one year, except as provided in Section 90.629 of this part, the license cancels automatically. For purposes of this section, a base station is not considered to be in operation unless at least one associated mobile station is also in operation.

(e) A non-SMR licensee may apply for additional frequency pairs if its authorized conventional channel(s) is loaded to seventy (70) mobiles. Applications may be considered for additional channels in areas where spectrum is still available and not applied for, even if the already authorized channel(s) is not loaded to 70 mobile units, upon an appropriate demonstration of need.

(f) Wide area systems may be authorized to persons eligible for licensing under subparts B or C of this part upon

an appropriate showing of need. For loading purposes, if the total number of mobile stations justifies the total number of authorized based frequencies in a given area, the system will be construed to be loaded.

(g) Regional, statewide, or ribbon configuration systems may be authorized to persons eligible for licensing under subparts B or C of this part upon an appropriate showing of need. In a ribbon, regional or statewide system, a mobile station will be counted for channel loading purposes only for the base station facility in the geographic area in which it primarily operates. If this cannot be determined, it will be counted fractionally over the number of base station facilities with which it communicates regularly.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 51929, Nov. 15, 1983; 56 FR 65860, Dec. 19, 1991; 59 FR 59966, Nov. 21, 1994; 62 FR 18935, Apr. 17, 1997; 64 FR 10397, Mar. 4, 1999]

### TECHNICAL REGULATIONS REGARDING THE USE OF FREQUENCIES IN THE 806–824 MHz, 851–869 MHz, 896–901 MHz, AND 935–940 MHz BANDS

### § 90.635 Limitations on power and antenna height.

(a) Systems to be located within 24 km. (15 mi.) of the geographic center of the 50 urbanized areas detailed in table 1 will be considered “urban” systems. All others will be considered “suburban” systems.

(b) The effective radiated power and antenna height, for base stations used in suburban-conventional systems of communications, shall be no greater than 500 watts (27 dBw) and 152 m. (500 ft.) above average terrain (AAT), respectively, or the equivalent as determined from table 2. These are maximum values, and applicants are required to justify power levels and antenna heights requested. For service area requirements less than 32 km. (20 mi.) in radius, see table 3.

(c) The effective radiated power and antenna height for base stations used in trunked and urban-conventional systems may not exceed 1 kilowatt (30 dBw) and 304 m. (1,000 ft.) above average terrain (AAT), respectively, or the equivalent thereof as determined from table 2. These are maximum values,